

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Jotham W. Coe, et al. :
APPLICATION NO.: 10/657,738 : Examiner: Deepak R. Rao
FILING DATE: September 8, 2003 : Group Art Unit: 1624
TITLE: DIAZABICYCLIC COMPOUNDS
USEFUL IN THE TREATMENT OF
CNS AND OTHER DISORDERS

Mailstop Office of Petitions
Commissioner of Patents
P.O. Box 1450
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Letter in Compliance with A Practitioner's Duty of Candor and Good Faith
Request Review of PTA under 37 CFR 1.700

A Notice of Allowance was mailed for the above-referenced case on 8/15/2008. A PTA of 30 days was identified. The Issue/Publication Fees have been paid.

This communication is being provided in compliance with the practitioner's duty of candor and good faith because it is believed that the PTA was determined without consideration of the holding of abandonment in the above-referenced case following the Final Office Action mailed on September 28, 2006. It is believed that the PTA of 30 days may not be correct.

Applicant respectfully requests recalculation of PTA, taking into account the reduction that should be calculated under 37 CFR 1.704(c)(3). It is believed that reduction associated with the Notice of Appeal is moot in light of the reduction under 37 CFR 1.704(c)(3).

Although this request could be made after the patent issues, Applicant brings it to the attention of the USPTO at this point in time. See, MPEP 2733.

Conclusion

It is believed that no fee is due. However, if it is determined that a fee is due, please charge any payment or credit any overpayment to Charge Account 16-1445.

Respectfully submitted,

/Mary J. Hosley/

Date: 8 October 2008

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